

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to Continue
Implementation and Administration, and
Consider Further Development, of
California Renewables Portfolio Standard
Program.

Rulemaking 18-07-003
(Filed July 12, 2018)

**PETITION OF ENERCAL USA, LLC (DBA YEP ENERGY)
FOR MODIFICATION OF DECISION 19-12-042**

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January 7, 2020

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Order Instituting Rulemaking to Continue
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Rulemaking 18-07-003
(Filed July 12, 2018)

**PETITION OF ENERCAL USA, LLC (DBA YEP ENERGY)
FOR MODIFICATION OF DECISION 19-12-042**

In accordance with Rule 16.4 of the Commission’s Rules of Practice and Procedure, EnerCal USA, LLC (dba Yep Energy) (“EnerCal”) hereby submits this petition for modification of Decision (“D.”) 19-12-042.

D.19-12-042 acts on the draft 2019 Renewables Portfolio Standard Procurement Plans (“2019 RPS Plans”) of various load serving entities (“LSEs”), including electric service providers (“ESPs”). Among other things, the decision: (1) finds that certain ESPs did not include all the required information in their draft 2019 RPS Plans and directs those ESPs to include such information in their final 2019 RPS Plans, which are to be filed with the Commission within thirty days;¹ (2) finds that ESPs that do not serve any retail load should be exempt from the requirement to file RPS plans;² and (3) exempts six ESPs that do not currently serve any retail load from the requirement to file RPS plans for 2020.³ The ESPs that are required to include additional information in their final 2019 RPS Plans are listed in Ordering Paragraph 15 of the decision, and the ESPs that are exempted from the requirement to file RPS Plans for 2020 are listed in Ordering Paragraph 34.

¹ D.19-12-042 at 59-60 and 78. Since the date of issuance for D.19-12-042 is December 30, 2019, the due date for LSEs’ final 2019 RPS Plans is January 29, 2020.

² D.19-12-042 at 55 and COL 21.

³ D.19-12-042 COL OP 34.

D.19-14-042 finds that EnerCal’s draft 2019 RPS Plan is deficient in that it does not include sufficient information about EnerCal’s RPS procurement costs, “least-cost best-fit” (“LCBF”) methodology, and minimum margin of over-procurement; it does not describe EnerCal’s contractual mechanisms for price adjustments associated with the costs of key components for eligible renewable energy resource projects with online dates more than 24 months after the date of contract execution; and it does not provide quantitative data, methodologies, and calculations relied upon to assess EnerCal’s RPS portfolio needs and RPS procurement net short.⁴ However, as explained in EnerCal’s 2019 RPS Plan, EnerCal has not signed up any retail customers since its ESP registration became effective in October 2010, and it has never served any retail load in California.⁵ Since EnerCal does not have any RPS requirements, it does not have any RPS procurement cost information to provide to the Commission.⁶ Moreover, EnerCal cannot reasonably be expected to provide any of the other information required under D.19-12-042:

- Since EnerCal does not serve any retail load in California, it has no load shape data or other information upon which to formulate LCBF criteria, and any LCBF methodology it might have included in its 2019 RPS Plan would have been purely hypothetical.
- Since EnerCal has never procured any RPS compliance products, much less executed contracts for RPS-eligible generation that is not yet online, it has no relevant information or experience that would enable it to determine “[a]n appropriate minimum margin of procurement above the minimum procurement level necessary to comply with the renewables portfolio standard to mitigate the risk that renewable projects planned or under contract are delayed or canceled.”

⁴ D.19-12-042 at 56, Table 9.

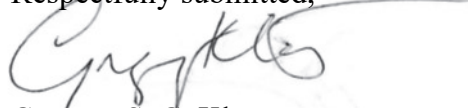
⁵ EnerCal Draft 2019 RPS Plan at 2.

⁶ *Id.* at 4.

- Since EnerCal has no RPS requirements and thus no reason to execute contracts for “eligible renewable energy resource projects with online dates more than 24 months after the date of contract execution,” it cannot reasonably be expected to have given “consideration of mechanisms for price adjustments associated with the costs of key components” of such projects in its 2019 RPS Plan.
- Since EnerCal has not procured any California RPS compliance products does not have any RPS requirements, it does not have any quantitative RPS procurement information or an RPS “net short” assessment to provide to the Commission.

In summary, EnerCal’s 2019 RPS Plan already contains all the information that it could reasonably be expected to contain. No good purpose would be served by requiring EnerCal to update its 2019 RPS Plan to add the hypothetical information described above. And the Commission has already established that it does not expect ESPs that do not serve any retail load to file RPS plans.⁷ (EnerCal hopes a simple oversight explains the Commission’s failure to include it among the ESPs listed in D.19-12-042 that are not required to file RPS plans for 2020.) Accordingly, EnerCal requests that the Commission modify D.19-12-042 to: (1) provide that EnerCal is not required to update its 2019 RPS Plan; and (2) add EnerCal to the list of ESPs in Ordering Paragraph 34 that are exempt from the requirement to file RPS plans for future years.

Respectfully submitted,



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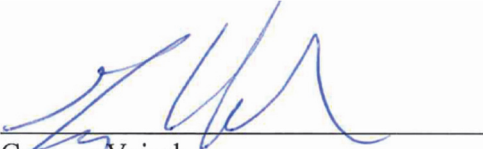
January 7, 2020

⁷ EnerCal recognizes that the Commission expects all ESPs to submit RPS compliance reports, regardless of whether they serve any retail load. EnerCal has submitted RPS compliance reports in prior years and will continue to do so.

VERIFICATION

I, Gregory Veiseh, Executive Vice President of Supply for EnerCal USA, LLC (dba Yep Energy), am authorized to make this Verification on its behalf. I declare under penalty of perjury that the statements in the foregoing *Petition of EnerCal USA, LLC (dba Yep Energy) for Modification of Decision 19-12-041* are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true.

Executed on January 7, 2020, at Houston, Texas.



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